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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/127,341	07/31/1998	MICHAEL DEADDIO	11021.0001	9998

7590 04/16/2003

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EXAMINER

FELTEN, DANIEL S

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 04/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/127,341

Applicant(s)
DeAddio et al

Examiner
Daniel Felten

Art Unit
3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jan 28, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 14 6) ☐ Other:

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DETAILED ACTION

1
2 1. Receipt of the amendment filed January 28, 2003 canceling claims 11-16 and amending
3 Claims 17, 18 and adding claim 20. Claims 17-20 are pending in the application and are
4 presented to be examined upon their merits.

Response to Arguments

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6
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8 2. Applicant's arguments with respect to claims 17-19 have been considered but are moot in
9 view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

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11
12
13 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
14 obviousness rejections set forth in this Office action:

15 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
16 section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
17 such that the subject matter as a whole would have been obvious at the time the invention was made to a person
18 having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the
19 manner in which the invention was made.

20
21 4. Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleckner
22 et al (WO 94120912), published on September 15, 1994, and further in view of Castagna, G.,

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1 “Covariance and Contravariance: Conflict without a Cause”, ACM Transactions on Programing
2 Languages and Systems (TOPLAS) Vol. 17, No. 3 (1995).

3
4 **Re claims 17-20:**

5 Kleckner discloses an object oriented system for manipulating a financial instrument (see
6 Klecker, at least Abstract).

7 Castagna teaches object-oriented programing features, whereby two mechanisms:
8 *Contravariance*, which captures the subtyping relation (that relation which establishes which sets
9 of functions can replace another given set in every context); and *covariance*, which characterizes
10 the specialization of code (i.e., the definition of new code which replaces old definitions in some
11 cases) are seen as distinct independent concepts that provide separate uses within an object-
12 oriented language construct for defining object functionality and data types. Castagna
13 particularly mentions the aforementioned feature find their distinctiveness within the family of
14 dispatch (see Castagna, Pages 442-446). It would have been obvious for an artisan to have
15 used the aforementioned concepts within Kleckner because an artisan at the time of the invention
16 would have been familiar with and have used an object oriented program with the notoriously old
17 and well known dispatch techniques for managing the financial instruments within the Klecker
18 system. Thus such a modification would have been an obvious expedient well within the
19 ordinary skill in the art.

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Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ***Daniel S. Felten*** whose telephone number is (703) 305-0724. The examiner can normally be reached between the hours of 7:00AM to 5:30PM Monday-Thursday. Any inquiry of a general nature relating to the status of this application or its proceedings should be directed to the Customer Service Office (703) 306-5631, or the examiner's supervisor ***Vincent Millin*** whose telephone number is (703) 308-1065.

7. Response to this action should be mailed to:

Commissioner of Patents and Trademarks

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1 Washington, D.C. 20231

2
3 for formal communications intended for entry, or (703) 305-0040, for informal or draft
4 communications, please label "Proposed" or "Draft".


5 Communications via Internet e-mail regarding this application, other than those under 35
6 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be
7 addressed to *[daniel.felten@uspto.gov]*.
8

9 All Internet e-mail communications will be made of record in the application file. PTO
10 employees do not engage in Internet communications where there exists a possibility that
11 sensitive information could be identified or exchanged unless the record includes a properly
12 signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly
13 set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and
14 Trademark on February 25, 1997 at 1 195 OG 89.

15 

16
17 **DSF**

18 **April 10, 2003**


VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
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